

78B-10-109 Mediator's disclosure of conflicts of interest -- Background.

- (1) Before accepting a mediation, an individual who is requested to serve as a mediator shall:
 - (a) make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and an existing or past relationship with a mediation party or foreseeable participant in the mediation; and
 - (b) disclose any known fact to the mediation parties as soon as practical before accepting a mediation.
- (2) If a mediator learns any fact described in Subsection (1)(a) after accepting a mediation, the mediator shall disclose it as soon as practicable.
- (3) At the request of a mediation party, an individual who is requested to serve as a mediator shall disclose the mediator's qualifications to mediate a dispute.
- (4) Subsections (1), (2), (3), and (6) do not apply to an individual acting as a judge or ombudsman.
- (5) This chapter does not require that a mediator have a special qualification by background or profession.
- (6) A mediator must be impartial, unless after disclosure of the facts required in Subsections (1) and (2) to be disclosed, the parties agree otherwise.

Renumbered and Amended by Chapter 3, 2008 General Session